IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 18187 of 2004

Between:

Mr. Tariq Muneer, S/o. Mohd. Abdul Muneer, R/o 105-B, Okaz Complex,

Opposite to Humayun Nagar P.S., Mehdi Patnam, Hyderabad.

... PETITIONER

AND

1 The Chief of Executive Officer, A.P. Wakf Board, Haj House Building, Public Garden, Nampally, Hyderabad.
2 The Managing Committee, Masjid-e-Azizia (ED-Khana), Humayun Nagar,

Hyderabad, rep by its President Janab Mujahidul Islam Khan

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an Writ or order particularly writ in the nature of Mandamus, declaring the inaction of the respondent No. 1 in pursuance of the complaint of the petitioner No. 1 on 29th March, 2004 as arbitrary, illegal and high handed on the part of the respondent no. 1 herein

Counsel for the Petitioner: MR.BAJRANG SINGH THAKUR

Counsel for the Respondents: MR.A.M.QURESHI

The Court made the following order:

ORDER:

Petitioner seeks a writ of mandamus declaring the inaction of the Wakf Board in not taking any action on the complaint of the petitioner dated 29.03.2004. It is stated that the petitioner made a representation stating that the Committee appointed by the proceedings of the first respondent dated 28.02.2004 is not desirable and the said order shall be resigned restoring the previous committee.

Counter has been filed stating that though the prayer in the writ petition is in effect questioning the constitution of the Committee as constituted by the order dated 28.02.2004 and in the miscellaneous petition he is seeking a direction not to change the managing committee pursuant to the proceedings of the first respondent dated 28.02.2004. Pursuant to the proceedings dated 28.02.2004 an eleven-member committee has been constituted under Section 18 of Wakf Act (for short 'the Act') and if any person is aggrieved by the said order he has a remedy available under Section 83 of the Act by way of an Original Application before the Wakf Tribunal. Therefore, the writ petition is not maintainable.

It is stated that the committee appointed by the order dated 28.02.2004 is functioning

properly and managing the affairs of the institution.

Therefore, I am of the opinion that the petitioner has no existing legal right to seek either continuance of the same committee that has been constituted by order dated 28.02.2004 or for restoration of the earlier committee. If there is any illegality or mismanagement of the affairs of the Wakf property by the managing committee it is open for the petitioner to file an Original Application before the Wakf Tribunal. Petitioner is not entitled for any relief in this writ petition.

Accordingly, the writ petition is dismissed. No costs.

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V. ESWARAIAH, J

April 8, 2005

Dsk

To

1 The Chief of Executive Officer, A.P. Wakf Board, Haj House Building, Public Garden, Nampally, Hyderabad.
2 The Managing Committee, Masjid-e-Azizia (ED-Khana), Humayun Nagar,

Hyderabad, rep by its President Janab Mujahidul Islam Khan

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